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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/805,310	03/13/2001	Kannan Srinivasan	696.004	1781

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FERENCE & ASSOCIATES
409 BROAD STREET
PITTSBURGH, PA 15143

EXAMINER

JACKSON, BLANE J

ART UNIT	PAPER NUMBER
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2618

DATE MAILED: 08/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/805,310	Applicant(s) SRINIVASAN ET AL.	
	Examiner Blane J. Jackson	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 May 2006.
 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 14-24 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 1-3, 5-10, 14, 16-19 and 22-24 is/are rejected.
 7) ☒ Claim(s) 4, 15, 20 and 21 is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☒ The drawing(s) filed on 13 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

ETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 30 May 2006 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3, 6, 16 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Dowling et al. (US 6,522,875).

As to claim 1, Dowling teaches a method of communicating information to a wireless communication device user comprising:

Determining a location of the wireless device (figure 1, column 11, lines 26-30, traveling mobile unit (telephone) equipped with a GPS receiver),

Determining information potentially of interest to the user from the location of the wireless device (column 11, lines 25-65, network sever (125) determines information for download based on the current location and current interests provided in the geographical packet sent by the user to the network server),

Communicating the information potentially of interest to the user of the wireless device wherein the order in which the information is communicated is based upon at least one preference of the user (column 11, line 26-53 and column 14, line 33 to column 15, line 42, this method implements a geographically controlled web browser when implemented by the mobile unit which moves about; the wireless system downloads information of interest indicated by the user determined to be available within a current locality of the mobile user, the successive groups of locality information organized and transmitted as the user moves through designated regions).

As to claim 3, Dowling teaches the method of claim 1 wherein at least one preference of the user is determined utilizing a profile of preferences of the user to infer the likely interest of the user (column 11, lines 38-49, the exemplified current interest discussed is restaurants where all restaurants in the locality is of likely interest of the user).

As to claim 6, Dowling teaches the method of claim 1 wherein the at least one preference of the user is determined based on information received from at least one other wireless communication device (mobile unit (105) optionally coupled to receive satellite information and GPS transmissions or coupled to a local broadcast domain entity (150) for a mall shopper looking for a product may request information and further request additional information based on received advertising for this and other items).

As to claim 16, Dowling teaches the method of claim 3, wherein the profile of preference of the user is based upon the user building the profile (column 17, line 60 to column 18, line 6, the profile of preferences or items of interest is entered by the user and this user interest packet is transmitted to the service server).

As to claim 17, Dowling teaches the method of claim 1 wherein the order in which the information is communicated is determined by the wireless device (column 8, line 57 to column 9, line 2, determined in the sense the device is crossing into a different locality or region to trigger the next download of this next region).

Claims 5, 7-10, 14, 18, 19 and 22-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Glorikian (US 6,343,317).

As to claim 5, Glorikian teaches a method of communicating information to a wireless communication device user comprising:

Determining time at a location of the wireless device (figure 1, column 6, lines 15-29, a network server (13) utilizes dynamic position information, information related from location and time via reported GPS location information, column 7, lines 2-15, information relative to geographic position, time frame and real time is organized in the service provider's database and made available to clients),

Determining information potentially of interest to the user from the time at the location of the wireless device (a wireless device or cellular telephone comprising a GPS receiver for establishing communication with an Internet server having access to a data repository such that the server selects information from the data repository based on position and dynamic changes in position of the device as determined by the server from reported position *relative to time*, figure1, column 3, lines 20-53, column 2, lines 8-31 and column 6, lines 15-29. Glorikian also discloses dynamic position information may be determined by, the user's location and the fact of a user stopping for a predetermined time before a specific location (exhibition) to elicit information about that specific location, column 8, lines 28-38),

Communicating the information potentially of interest to the user of the wireless device wherein the order in which the information is communicated is based upon at least one preference of the user (column 8, lines 28-38 and column 6, lines 63 to column 7, line 16, the user choosing to move about an exhibit equates to a preference of the user for exhibit information and choosing to stop for a predetermined time at an exhibit prompts addition information about that specific exhibit before moving on

equates to a preference of the user for more information as well as the order of the information, this exhibit information before the next).

As to claim 18, Glorikian teaches the method of claim 5 wherein said step of determining information potentially of interest to the user includes determining information potentially of interest to the user from the location of the wireless device (column 5, line 65 to column 6, line 15, user on a walking tour is pushed information as the client near a specific location, a house on the banks of the James River).

As to claim 19, Glorikian teaches the method of claim 5, wherein the at least one preference of the user is determined utilizing a profile of preferences of the user to infer the likely interest of the user (column 6, line 63 to column 7, line 15, a variety of information shells and granularity relative to geographic position and time may be organized relative to user selected information).

As to claim 22, Glorikian teaches the method claim 19 wherein the profile of preference of the user is based upon the user building the profile (column 6, line 63 to column 7, line 15, user selected information).

As to claim 23, Glorikian teaches the method of claim 5 wherein the order in which the information is communicated is determined by the wireless device (column 8,

lines 28-38, the system through the user device monitors the time and duration of time the user stops at a specific exhibit).

As to claim 24, Glorikian teaches the method of claim 5 wherein the at least one preference of the user is determined based on information received from at least one other wireless communication device (column 4, lines 40-62, a GPS unit is provided to report position and attached to and connected to an existing portable unit with cell-telephone capability).

As to claim 7, Glorikian teaches a method of transmitting location-based information to a user of a first signal transmitting means comprising:

Providing the user with a first signal transmitting means capable of transmitting a first signal and a second signal receiving means for receiving a second signal (figures 1 and 2, column 3, line 20 to column 4, line 39, travelers who are enabled with wireless hand-held computer units (29) and (31)),

Providing a first signal receiving means for receiving said first signal at a location remote from said user (figures 1, column 5, lines 26-42, geographic information server (13) receives user request),

Providing a location-determining means for determining from said first signal an approximate location of the user (figure 2, column 4, lines 40-62, mobile units include GPS circuitry (57) to report position to the server (13)),

Providing a time-determining means for determining a time at the location of the user (column 8, lines 28-38, dynamic position information, monitored and reported to the remote server (13) includes location and the time period the user stops for a predetermined time before a specific exhibit),

Providing a computer system having access to location-based and time-based information, said system being connected to said first signal receiving means and said system being connected to a second signal transmitting means (figure 1, column 5, lines 27-42, geographic information server (13) on the Internet backbone with access to Web servers and local access to a data repository that is indexed by global position and the dynamics of global position),

Transmitting said first signal (figure 1, column 4, lines 9-22, user device (29) or (31) with Internet browser software to select a service and transmits a request for information along with global position in relation to time),

Receiving said first signal (figure 1, column 4, line 63 to column 5, line 11, geographic information server (13) receives and processes request),

Determining from said first signal an approximate location and a time at the location of the user (column 5, lines 38-42),

Reviewing said location based and time based information in consideration of said approximate location to determine information which is potentially of interest to said user (column 6, lines 15-29 and column 8, lines 28-38, dynamic position information to determine pushed information by the Internet server (13)),

Transmitting said recommendation via said second signal transmitting means (column 5, line 65 to column 6, line 15, Internet server (13) pushes or transmits selected information to the client or user).

As to claim 8, Glorikian teaches the method of claim 7 further comprising determining from said first signal a need of said user for a product or service (column 4, line 63 to column 5, line 11, user selects a service such as by selecting an icon on a user's device).

As to claim 9, Glorikian teaches the method of claim 7 further comprising an approximate time said first signal was sent (column 8, lines 28-39, in this example, the server utilizing dynamic position information requires the system to determine when a user has stopped before a specific exhibit to determine a predetermined time or duration of pause to determine to provide addition information about the specific exhibit).

As to claim 10, Glorikian teaches the method of claim 9 wherein said recommendation is based on the approximate time the first signal was sent (column 8, lines 28-39, in this example, the server utilizing dynamic position information requires the system to determine when a user has stopped before a specific exhibit to determine a predetermined time or duration of pause to determine to provide addition information about the specific exhibit).

Claims 11-13 are cancelled.

As to claim 14, Glorikian teaches the method of claim 7 wherein the optionally determined need is determined utilizing a profile of preferences of the user (column 6, lines 40-55, the server considers the client profile information to determine what to push to a client and how to push it, how to push it depends on the clients equipment capability).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over in view of Glorikian (US 6,343,317).

As to claim 2, Dowling teaches the method of claim 1 wherein said step of determining information potentially of interest to the user includes determining information potentially of interest to the user when the user crosses a pre-specified boundary, when the user moves between regions, column 8, line 57 to column 9, line 2 but does not directly teach determining information from the time *at the location*.

Glorikian teaches a wireless device or cellular telephone comprising a GPS receiver for establishing communication with an Internet server having access to a data repository such that the server selects information from the data repository based on position and dynamic changes in position of the device as determined by the server from reported position *relative to time*, figure1, column 3, lines 20-53, column 2, lines 8-31 and column 6, lines 15-29. Glorikian also discloses dynamic position information may be determined by, the user's location and the fact of a user stopping for a predetermined time before a specific location (exhibition) to elicit information about that specific location, column 8, lines 28-38).

Since Glorikian teaches a system for delivering information related to the dynamic position of the user similar to Dowling, it would have been obvious to one of ordinary skill in the art at the time of the invention to realize the method of providing the positional information of Dowling is also related to the time at the location as taught by Glorikian to elicit additional information about the specific location.

Allowable Subject Matter

Claims 4, 15, 20 and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. As to claims 4 and 20, the prior art made of record does not teach the profile of preferences of the user is obtained by ascertaining trends in selections made by the user.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure includes: Dowling et al. (US 6,983,139) and Bar et al. (US 6,456,852).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blane J. Jackson whose telephone number is (571) 272-7890. The examiner can normally be reached on Monday through Friday, 9:00 AM-6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read "Blane Jackson", is located at the bottom left of the page.

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